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JUL 22 2008

OFFICE OF PETITIONS

In re Application of :
Eugene Brown, et al. :
Application No. 10/770,726 :
Filed: February 4, 2004 :
Attorney Docket No. M101079 :
:

ON PETITION

This is a decision in response to the petition, filed March 26, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 22, 2007. On March 26, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on April 29, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1643 for processing of the RCE in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions